



Attorney Docket No. 509/35644  
PATENT

AUG 05 2003

2122  
Ba & Thornburg Customer Number:

23646

U.S. PATENT AND TRADEMARK OFFICE

Reconsidered

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08/12/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Hawthorne et al.  
Serial No.: 09/404,826 Art Unit: 2122  
Filed: September 24, 1999 Examiner: Kiss, Eric B.  
For: METHOD OF TRANSFERRING FILES AND ANALYSIS OF TRAIN  
OPERATIONAL DATA

RECEIVED

REQUEST FOR RECONSIDERATION

AUG 06 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Technology Center 2100

Sir:

In response to the official Office Action dated May 6, 2003, Applicant submits the following remarks:

REMARKS

Claims 1-7, 9, 10, 15-21 and 46-49 stand rejected as either anticipated by Neeson et al. by itself or obvious over Neeson et al. in view of Cowan, Swensen et al. and Ehrenberger et al. This rejection is respectfully traversed.

Claim 1 is directed to a method of transferring files between a computer onboard a train and remote stations. It includes collecting one or more of event recorder data, train performance data and track data from onboard in files on the onboard computer. Next, it is determined onboard whether a remote station is within communication range. Wireless communication onboard is established between the onboard computer and the determined in-range remote station. A determination is made onboard as to which files are new since last transmission, and the new files are transferred to the remote station.

As will be discussed below in detail Neeson et al. does not (a) collect one or more of event recorder data, train performance data and track data from onboard in files on the onboard computer; and (b) determine onboard whether a remote station is within communication range and establish communication from onboard.

Point A

As noted in the Office Action, "the method of Neeson et al. builds on, and incorporates the elements of, the AMCI Base Networking System (ABNS), which includes